



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,185	06/08/2007	Joseph B. Schlenoff	FSU 70008.3 (04-107)	7098
321	7590	08/14/2009	EXAMINER	
SENNIGER POWERS LLP 100 NORTH BROADWAY 17TH FLOOR ST LOUIS, MO 63102			KRYLOVA, IRINA	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			08/14/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary	Application No. 10/594,185	Applicant(s) SCHLENOFF, JOSEPH B.	
	Examiner Irina Krylova	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 14-27,34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13,28-33 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-13, 28-33 and 36-38 in the reply filed on 05/19/09 is acknowledged. Claims 14-27 and 34-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

This application contains claims 14-27 and 34-35 drawn to an invention nonelected in the reply filed on 05/19/09. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Amendment

2. Amendment to the claims 1, 5, 12, 29-33 and 36-38 filed on 05/19/09 is acknowledged.

3. The objection to claim 29 is withdrawn in light of Applicant's amendment filed on 05/19/09.

4. All rejections to claim 1 are withdrawn in light of Applicant's amendment filed on 05/19/09. The new grounds of rejections set forth below are necessitated by Applicant's amendment filed on 05/19/09. In particular, claim 1 was amended to include a limitation of a polyelectrolyte film comprising a net positively charged polyelectrolyte polymer

Art Unit: 1796

comprising repeat units with at least two fluorine atoms and negatively charged polyelectrolyte polymer comprising repeat units with at least two fluorine atoms.

Thus, this limitation was not previously presented and was taken from instant specification (see [0026] of the instant specification). Therefore, the following rejection is properly made final.

Double Patenting

5. Claims are 1-13, 28-33, 36-38 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 7-17 of copending Application No. 11/130,972 (Published as US 2005/0287111).

The nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 7-17 of copending Application No. 11/130,972 set forth in the previous Office Action, is incorporated here by reference.

6. Since no Terminal Disclaimer was filed by the Applicant, the nonstatutory obviousness-type double patenting of claims 1-13, 28-33 and 36-38 as being unpatentable over claims 1-4, 7-17 of copending Application No. 11/130,972, as set forth in the previous Office Action, is maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 1796

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 12 claims a film comprising a charged polyelectrolyte polymer comprising repeat units with at least two fluorine atoms and **fluorinated charged particle comprising repeat units with at least two fluorine atoms**, wherein the charge of the polyelectrolyte polymer is opposite that of the charge of the fluorinated charged particle. The instant specification does not provide support for the limitation of **“fluorinated charged particle comprising repeat units with at least two fluorine atoms”**. The specification in paragraph [0012] discloses film comprising fluorinated charged polymer and a fluorinated charged particle, wherein the charge of the particle is opposite that of the charge of the polymer; paragraph [0095] discloses a fluorinated, preferably TFE particle, stabilized by a surface charge. There is no place in the specification to provide support for the limitation of **“fluorinated charged particle comprising repeat units with at least two fluorine atoms”**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6, 28-29, 32-33, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016).

9. Stevenson et al discloses a film having at least one bilayer comprising (as to instant claims 1-4):

1) a polyanion electrolyte layer, and

2) a polycation electrolyte layer, wherein

both electrolyte layers are fluorinated (Abstract, [0034]).

The layers are self-assembled by electrostatic attraction of the interlayer charges ([0035]).

The polyanion electrolyte comprises fluorocarbon-modified polyacrylic acid comprising a group of $(-\text{CF}_2)_n\text{CF}_3$ ([0028]).

The polycation electrolyte comprises fluorinated poly(allylamine hydrochloride) ([0029]-[0031]).

Art Unit: 1796

The film is a contamination-resistant and may be deposited on plurality of inorganic and organic substrates including silica glass, ceramic, yttrium silver, reflecting material and optics ([0016]).

10. Stevenson et al fails to specify the fluorinated poly(allylamine hydrochloride) having at least two fluorine atoms.

11. Thompson et al discloses polymerized fluorocarbon-containing diallyl ammonium compound (Abstract) comprising two fluorinated substituents having the formulas C_nF_{2n+1} , wherein n comprises an integer of 3-18 (col. 1, lines 45-70).

The polymerized compound comprises good oil and water repellency (Abstract).

12. Since

1) **Stevenson et al** discloses a film for coating substrates having at least one bilayer comprising a polyanion electrolyte layer, and a polycation electrolyte layer, wherein both electrolyte layers are fluorinated, polycation electrolyte comprises fluorinated poly(allylamine hydrochloride), and the layers are self-assembled by electrostatic attraction of the interlayer charges, but fails to specify the fluorinated poly(allylamine hydrochloride) having at least two fluorine atoms;

2) **Thompson et al** discloses polymerized fluorocarbon-containing diallyl ammonium compound comprising two fluorinated substituents having the formulas C_nF_{2n+1} ,

Art Unit: 1796

wherein n comprises an integer of 3-18, wherein the polymerized compound comprises good oil and water repellency;

therefore,

it would have been obvious to a one of ordinary skill in the art at the time of the invention was made to include polymerized fluorocarbon-containing diallyl ammonium compound comprising two fluorinated substituents having the formulas C_nF_{2n+1} , wherein n comprises an integer of 3-18 of **Thompson et al** into the film of **Stevenson et al** to provide good oil and water repellency to the bilayer coating film of **Stevenson et al**.

13. Though **Thompson et al** discloses polymerized fluorocarbon-containing diallyl ammonium compound having a two fluorinated substituents having the formulas C_nF_{2n+1} , but also having an oxygen atom in the alkyl chain, nevertheless, the diallylammonium compounds having halogen-containing alkyl substituents with no oxygen in the alkyl chain, used as charge control agents, are known in the art as well (see p. 7, lines 24-25 in **Baur et al**).

14. As to instant claims 28-29, 32-33, 36-38, since the polyelectrolyte film of **Stevenson et al** in view of **Thompson et al** is identical to the polyelectrolyte film claimed in the instant invention, therefore, the polyelectrolyte film of **Stevenson et al** in view of **Thompson et al** will intrinsically comprise the same properties as the polyelectrolyte film claimed in the instant invention, including friction reducing and

Art Unit: 1796

charge control properties. Therefore, since the film of **Stevenson et al** in view of **Thompson et al** comprises friction reducing properties, it would have been obvious to a one of ordinary skill in the art to use the film between moving metal surfaces. Since the film of **Stevenson et al** in view of **Thompson et al** comprises charge control properties, it would have been obvious to a one of ordinary skill in the art to use it as an intermediate layer between electrically conductive surfaces.

15. In addition, claims 28-29, 32-33, 36-38 are intended use claims.

As to the claimed intended use, MPEP 2111.02 states:

During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim. [MPEP 2111.02 (Citing *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963)]

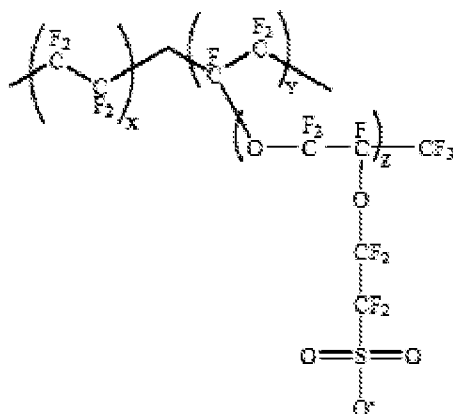
No structural difference can be discerned between the prior art and the instant invention.

16. Claims 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), as applied to claim 1 above, in further view of **Iijima et al** (US 4,316,789).

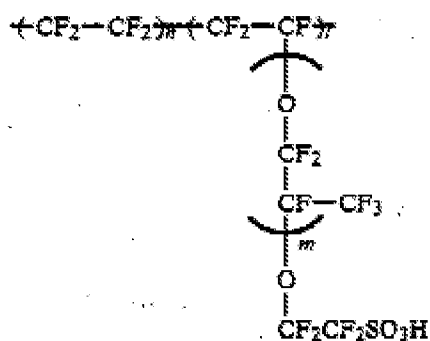
Art Unit: 1796

17. The discussion with respect to **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), set forth in paragraphs 8-15 above, is incorporated here by reference.

18. **Stevenson et al** in view of **Thompson et al** and **Baur et al** fail to specify the polyanion electrolyte comprising the structure of Formula I:



19. **Iijima et al** discloses a cation exchange membrane having the Formula II:



wherein the membrane is used in electrolysis (Abstract, col. 2, lines 20-35).

20. Since

1) **Stevenson et al** in view of **Thompson et al** and **Baur et al** disclose a film for coating substrates having at least one bilayer comprising a polyanion electrolyte layer, and a polycation electrolyte layer, wherein both electrolyte layers are fluorinated, but fail to specify the polyanion electrolyte comprising the structure of Formula I above;

2) **Iijima et al** discloses a cation exchange membrane having the Formula II is used in electrolysis;

3) the polyanion electrolyte of Formula II is widely used in the art under a trademark Nafion (see col. 2, lines 12-18 of **Iijima et al**),

therefore,

it would have been obvious to a one of ordinary skill in the art at the time of the

invention was made to use the cation exchange resin of Formula II (Nafion) of **Iijima et al** as a the polyanion electrolyte layer of **Stevenson et al** in view of **Thompson et al**

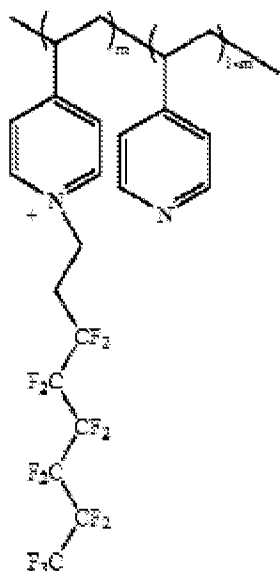
Art Unit: 1796

and **Baur et al**, since it would have been obvious to substitute one known equivalent for another used for the same purposes (see MPEP 2144.06 II).

21. Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), as applied to claim 1 above, in further view of **Umemoto et al** (US 5,736,274).

22. The discussion with respect to **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), set forth in paragraphs 8-15 above, is incorporated here by reference.

23. Stevenson et al in view of **Thompson et al** and **Baur et al** fail to teach the positively charged polymer having the structure of Formula III below:



24. Umemoto et al discloses N-fluoropyridinium salt-containing polymer having multiple fluorine atoms for use as electrolyte having excellent charging properties (Abstract, col. 1, lines 10-24).

25. Since

1) **Stevenson et al** discloses a film for coating substrates having at least one bilayer comprising a polyanion electrolyte layer, and a polycation electrolyte layer, wherein both electrolyte layers are fluorinated, polycation electrolyte comprises fluorinated poly(allylamine hydrochloride) comprising two fluorinated substituents having the formulas C_nF_{2n+1}, but fail to specify the polycation electrolyte being a compound of formula III above;

Art Unit: 1796

2) **Umemoto et al** discloses N-fluoropyridinium salt-containing polymer having multiple fluorine atoms for use as electrolyte having excellent charging properties (Abstract, col. 1, lines 10-24); therefore,

it would have been obvious to a one of ordinary skill in the art at the time of the invention was made to use a polymer comprising fluorine-containing pyridinium salt of **Umemoto et al** having C_nF_{2n+1} substituents at the quaternary nitrogen, as disclosed by **Thompson et al**, to further improve charging properties of the polycation electrolyte of **Stevenson et al** in view of **Thompson et al** and **Baur et al**.

26. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), as applied to claim 1 above, in further view of **Kim** (US 7,357,999).

27. The discussion with respect to **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), set forth in paragraphs 8-15 above, is incorporated here by reference.

28. Stevenson et al in view of **Thompson et al** and **Baur et al** fail to teach the film comprising particles having a size of 1 nm to 10 microns comprising clay.

Art Unit: 1796

29. Kim discloses a nanocomposite electrolyte membrane comprising a fluorinated polymer having cation exchange groups and silicate nanoparticles dispersed in the polymer (Abstract).

The particles comprise clay minerals (col. 3, lines 41-42). The particles are having a size of 1-100nm (col. 3, lines 57-59).

30. The nanocomposite electrolyte membrane soaks up water and suppresses permeation of polar organic liquids (col. 3, lines 65-68; col. 4, lines 1-5).

31. Since

1) **Stevenson et al** in view of **Thompson et al** and **Baur et al** disclose a film for coating substrates having at least one bilayer comprising a polyanion electrolyte layer, and a polycation electrolyte layer, wherein both electrolyte layers are fluorinated, but fail to teach the film comprising clay particles having a size of 1 nm-10 microns;

2) **Kim** discloses a nanocomposite electrolyte membrane comprising a fluorinated polymer having cation exchange groups and silicate nanoparticles dispersed in the polymer, wherein the particles comprise clay minerals having a size of 1-100nm (col. 3, lines 57-59), and the nanocomposite electrolyte membrane soaks up water and suppresses permeation of polar organic liquids (col. 3, lines 65-68; col. 4, lines 1-5); therefore,

it would have been obvious to a one of ordinary skill in the art at the time of the invention was made to include clay particles having a size of 1-100nm of **Kim** into the

Art Unit: 1796

film of **Stevenson et al** in view of **Thompson et al** and **Baur et al** to suppresses permeation of polar organic liquids as well.

32. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wu et al** (US 2003/0169227).

33. Wu et al discloses an electrophoretic film made from a dispersion of a fluorinated electron donating polymer in the continuous phase and a charged particles comprising electron accepting polymer in a dispersed phase (Abstract).

The electron accepting polymer in the dispersed phase or on the surface of the particle comprises perfluoroamides ([0069]).

The fluorinated electron donating polymers in a continuous phase comprise fluorinated pyridines or quarternium salt thereof (0076], claim 14).

34. Therefore, **Wu et al** discloses a combination of opposite charged (one - electron-accepting, the other - electron accepting) polymers, both being fluorinated. Though **Wu et al** does not explicitly states the number of fluorine atoms in fluorinated polymers of the continuous phase, nevertheless, since all the provided examples of the compounds with functional groups that have more than two fluorine atoms in the molecule, therefore, it would have been obvious to a one of ordinary skill in the art that fluorinated polymers will contain two or more fluorine atoms in the molecule as well.

35. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wu et al** (US 2003/0169227) in view of **Hiro et al** (US 4,863,823).

36. The discussion with respect to **Wu et al** (US 2003/0169227) set forth in paragraphs 32-34 above, is incorporated here by reference.

37. Wu et al fails to teach the charged particles being polytetrafluoroethylene.

38. Hiro et al discloses an electrophotographic member comprising a surface layer deposited on a substrate, wherein the layer comprises a fluorine resin powder and a fluorine type block copolymer (Abstract). The fluorine resin powder comprises tetrafluoroethylene resin (col. 2, lines 52-55).

The fluorine block copolymer comprises fluorinated esters or fluorinated amides identical to the fluorinated resins claimed in claim 5 of the instant invention (col. 4, lines 40-68; col. 5, lines 1-41).

39. Since

1) **Wu et al** discloses a film made from a dispersion of a fluorinated electron donating polymer in the continuous phase and a fluorinated charged particles comprising electron accepting polymer in a dispersed phase; but fails to teach the charged particle being polytetrafluoroethylene;

Art Unit: 1796

2) Hiro et al discloses a surface layer deposited on a substrate, wherein the layer comprises a fluorine resin powder and a fluorine type block copolymer, wherein the fluorine resin powder comprises tetrafluoroethylene resin and the fluorine block copolymer comprises charged fluorinated esters or fluorinated amides identical to the fluorinated resins claimed in claim 5 of the instant invention; wherein the layer comprises good electrical characteristics and durability (col. 1, lines 15-25); therefore, it would have been obvious to a one of ordinary skill in the art at the time of the invention was made to use the polytetrafluoroethylene particles of **Hiro et al** as charged particles in the dispersion of **Wu et al**, to provide good electrical characteristics to the dispersion and films of **Wu et al** as well.

40. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), as applied to claim 1 above in further view of **Stirniman et al** (US 6,355,300).

41. The discussion with respect to **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016), set forth in paragraphs 8-15 above, is incorporated here by reference.

42. Stevenson et al in view of **Thompson et al** and **Baur et al** fail to specify the substrate being coated by the film comprising a surface of a magnetic disk.

43. Stirniman et al comprises a lubricating film deposited on the surface of a magnetic disk, wherein the lubricating layer comprises functionalized perfluoropolyalkylethers long chain polymers (col. 3, lines 45-55).

44. Since

1) **Stevenson et al** in view of **Thompson et al** and **Baur et al** disclose a film for coating substrates having at least one bilayer comprising a polyanion electrolyte layer, and a polycation electrolyte layer, wherein both electrolyte layers are fluorinated, but fail to teach the fluorine-containing polyelectrolyte deposited on a surface of a magnetic disk;

2) **Stirniman et al** teaches the use of fluorinated functionalized polymers as a lubricant on the surface of a magnetic disk,

therefore, it would have been obvious to one skilled in the art at the time of the invention was made to use the fluorine-containing polyelectrolyte film of **Stevenson et al** in view of **Thompson et al** and **Baur et al** as a lubricating coating for magnetic disk, similar to fluoropolymers of **Stirniman et al**, wherein the layer of **Stevenson et al** in view of **Thompson et al** and **Baur et al** could be conveniently deposited by electrostatic attraction of the opposite charged subsequent layers.

Response to Arguments

45. Applicant's arguments filed on 05/19/09 have been fully considered.

46. Regarding the rejection under 35 U.S.C. 102 of claims 1-5 over **Stevenson et al** (US 2004/0191504) and claims 1-3, 5, 8 over **DeLongchamp et al** (Chem. Mater, 2003, 15, 1165-1173); under 35 U.S.C 103(a) of claims 36-38 over **DeLongchamp et al** , claims 9-11 over **DeLongchamp et al** (Chem. Mater, 2003, 15, 1165-1173) in view of **Tomita et al** (US 5, 312,710), claims 6 and 7 over **Schlenoff** (WO 03/014234) in view of **Stevenson et al** (US 2004/0191504) and **Speaker** (US 4,554,076), it is noted that the rejections are withdrawn in view of Applicant's amendment of claims 1 and 12, thus rendering the arguments moot.

47. The new grounds of rejection under 35 U.S.C. 103 (a) of claims 1-4, 6, 28-29, 32-33, 36-38 over **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016) are set forth in paragraphs 8-15 above.

48. Applicant argues that **Stevenson et al** does not disclose a polyelectrolyte film in which both the positively charged and the negatively charged polymer comprise repeat units with at least two fluorine atoms.

49. Examiner disagrees. **Stevenson et al** (US 2004/0191504) in view of **Thompson et al** (US 3,717,679) and **Baur et al** (US 5,563,016) comprise a combination of a polyanion electrolyte layer, and a polycation electrolyte layer, wherein both electrolyte layers are fluorinated (Abstract, [0034]) and each comprise more than two fluorine atoms. Specifically, see discussion in paragraphs 8-15 above.

50. Regarding the rejection of claims 30 and 31 under 35 U.S.C 103(a) over **Stevenson et al** (US 2004/0191504) in view of **Stirniman et al** (US 6,355,300), Applicant argues that **Stirniman et al** disclosed the use of non-charged fluorine containing polymers, being deposited by vapor deposition, therefore, it would not be obvious to combine the references.

51. Examiner disagrees.

1) **Stirniman et al** is a secondary reference and was used to show that fluoropolymers are used in the art as lubricants for magnetic disks. **Stirniman et al** discloses the use of non-charged fluoropolymers which are deposited by vapor deposition. However, the use of the film of **Stevenson et al** in view of **Thompson et al** and **Baur et al** comprising two

fluoropolymers having opposite charges, will allow the deposition of the coating by alternative depositing opposite charged layers rather than by vapor deposition. Besides, secondary reference does not need to teach all limitations. "It is not necessary to be able to bodily incorporate the secondary reference into the primary reference in order to make the combination." *In re Nievelt*, 179 USPQ 224 (CCPA 1973).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irina Krylova whose telephone number is (571)270-7349. The examiner can normally be reached on Monday-Friday 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasudevan Jagannathan can be reached on (571)272-1119. The fax phone

Art Unit: 1796

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Irina Krylova/
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796